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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,709	01/27/2004	Carmen Rapisarda	01-7342-07	4902

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EXAMINER

LEE, Y MY QUACH

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/766,709

Applicant(s)

RAPISARDA, CARMEN

Examiner

Lee Y Quach

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 26-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-19 and 21-25 is/are rejected.
- 7) ☒ Claim(s) 6 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/27/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/27/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Restriction Requirement

1. Applicant's election of claims 1 to 25 without traverse in the reply filed on May 15, 2006 is acknowledged. Claims 26 to 28 are therefore withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the reference character "73" not mentioned in the description.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature of "said electrical contacts are clips" as claimed in claims 9 and 23 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Claim Objections

4. Claims 11 to 14 are objected to because of the following formalities: In claim 11, line 2, there is no clear antecedent basis for "said clothing". In claim 14, the language "said tubular housing is rectangular in cross section" is not descriptive because it does not define which direction the cross section is taken from. Note that the term "tubular", by definition, means constituting a tube, and "a tube", by definition, means a hollow cylindrical shape or any hollow cylindrical body structure, and a cylinder, by definition, is a surface generated by rotating a parallel line around a fixed line. Claims 12 and 13 depend on objected claim 11 and as such are also objected. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 4, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Anteby.

Anteby shows a power source (20) capable of supplying sufficient power to a light source (12, 14, 16) to cause it to provide illumination to be visible at an external surface of a clothing constituting shoes, an electrical circuit (26, column 3, line 36) connected to the light source and the power source, a switch (24) connected to the power source responsive to movement of the switch comprising a tubular housing (column 3, line 52) of insulating material (column 4, line 3), means closing the ends of the housing such as end members (28, 30), a pair of electrical contacts (34, 36) extending into the interior of the housing, a member of electrical conducting material (26, column 3, line 51) freely movable within the housing spaced from the contacts and of a length at least sufficient to span the distance between the contacts such that movement of the switch causes the member to bridge the contacts sending an electrical signal to the circuit and causing the light source to be illuminated, and the circuit connected to the switch and to the power source and being responsive to initiation of each of the electrical signal to limit the

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duration of illumination of the light source (column 3, lines 35 to 40 and column 4, lines 21 to 25).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anteby in view of Park.

Anteby discloses the invention substantially as claimed with the exception of having the housing angular in cross section and having the conductive member a bar of such length that the bar spans the contacts even if one end of the bar contacting one of the end members.

Park teaches a switch housing (84) angular in cross section (figure 9) and a bar conductive member (86) of such length that the bar spans the contacts (80, 82) to close the switch.

It would have been obvious to one skilled in the art to substitute the switch housing having conductive member and contacts of Anteby with the switch housing and the bar conductive member with the contacts, as shown by Park, to close or open the switch since both references are directed to position responsive switches.

9. Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anteby.

Anteby discloses the invention substantially as claimed with the exception of having the contacts comprised of pins and clips. Noted that it would have been obvious to one skilled in the art to provide the contacts of Anteby with pins and clips, since such a modification would have involved a mere change in the shape and size of the contact which provides no unusual, unobvious and/or unexpected result and is therefore deemed to fall within a purview of an ordinary engineering design technique to provide the contacts with any desired structure including pins and clips to accommodate different applications in different environments for facilitating and achieving various electrical conductive desired effects.

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10. Claims 11 to 16, 18, 19 and 21 to 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anteby in view of Park.

Anteby shows an electrical circuit (26, column 3, line 36) connected to at least one light source (12, 14, 16), a power source (20) connected to the electrical circuit capable of supplying sufficient power to illuminate the light source located to be visible at an external surface of a clothing constituting shoes, a switch (24) connected to the power source and the electrical circuit responsive to movement of the switch comprising a cylindrical tubular housing (column 3, line 52) of insulating material (column 4, line 3) having a rectangular cross section (figure 2) with end members (28, 30) as part of the housing closing the ends of the housing to produce an input signal to the electrical circuit, a pair of electrical contacts (34, 36) extending into the interior of the housing, a member of electrical conducting material (26, column 3, line 51) freely movable within the housing and of a length at least sufficient to span the distance between the contacts (column 4, lines 5 to 7) such that movement of the switch causes the member to move to bridge the contacts and to produce the input signal to the electrical circuit, and the electrical circuit responsive to initiation of each of the signal to limit the duration of illumination of the light source (column 3, lines 35 to 40 and column 4, lines 21 to 25). However, Anteby does not disclose that the housing is elongated, the contacts are pins or clips as claimed in claim 23, and the electrical conducting member is a bar.

Park teaches an elongated switch housing (figure 9) and a bar conductive member (86) of such length that the bar spans the contacts (80, 82) to close the switch.

It would have been obvious to one skilled in the art to substitute the switch housing having conductive member of Anteby with the elongated switch housing and the bar conductive member, as shown by Park, to close or open the switch since both references are directed to position responsive switches.

Noted that it would have been obvious to one skilled in the art to provide the contacts of Anteby with pins or clips, since such a modification would have involved a mere change in the shape and size of the contact which provides no unusual, unobvious and/or unexpected result and is therefore deemed to fall within a purview of an ordinary engineering design technique to provide the contacts with any desired shape and structure including pins and clips to

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accommodate different applications in different environments for facilitating and achieving various electrically conductive desired effects.

11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anteby in view of Park, as applied to claim 15 above, and further in view of Wut (prior art cited by applicant).

Anteby as modified by Park discloses the invention substantially as claimed with the exception of having a timing circuit.

Wut teaches a timing circuit (column 2, line 63) connected between the switch and the light source for limiting the time during which the light source is illuminated following a closure of the switch.

It would have been obvious to one skilled in the art to provide Anteby with a timing circuit, as shown by Wut, for limiting the time during which the light source is illuminated.

12. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of Wut (prior art cited by applicant).

Park shows a switch connected to a light source (66') and to a power source (88) comprising a housing (84) of electrically insulating material, a pair of electrical contacts (80, 82) extending from the interior to the exterior of the housing, and a freely movable of electrical conducting material (86) located within the housing such that the member may rest against the contacts when the switch is at rest and can move away and then against the contacts to close the switch. Note that since the light source and the switch can be used in an article of apparel or other devices, and there is no structure associated with the light source and the switch being used solely for clothing and therefore the term clothing conveys intended use in the claim. No patentable weight is given thereto. However, Park does not disclose a circuit connected between the power source and the light source for limiting the duration of the illumination of the light source following closure of the switch.

Wut teaches a timing circuit (column 2, line 63) connected between the switch and the light source for limiting the time during which the light source is illuminated following a closure of the switch.

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It would have been obvious to one skilled in the art to provide Park with a timing circuit, as shown by Wut, for limiting the duration of the illumination of the light source to save the drainage of the power source.

Claims 6 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ludwig is cited to show other position responsive switch having a tubular housing (2) and a freely moving conducting member (18) electrically connected to a pair of contacts (13, 13, 15, 16) to illuminate the light sources (5, 6). Yakubek is cited to show a pair of clips contacts (25, 26).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is 571-272-2815.

Y. Q.
May 25, 2006


Y Quach Lee
Primary Examiner
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